

1 Hon. Jamal N. Whitehead
2
3
4
5
6
7
8

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

10 JOSHUA A. DIEMERT, an individual,)
11) Civil Action No. 2:22-cv-01640-JNW
12 Plaintiff,)
13)
14 v.) **DECLARATION OF ERIN WILCOX**
15) **IN SUPPORT OF OPPOSITION TO**
16) **DEFENDANT'S MOTION TO**
17) **EXCLUDE EXPERT TESTIMONY OF**
18) **DR. EREC SMITH AND DEVON**
19) **WESTHILL**
20)
21)
22)
23)
24)
25)
26)
27)
28)

I, Erin Wilcox, declare as follows:

1. I am an attorney at Pacific Legal Foundation and represent Plaintiff Joshua Diemert
2 in the matter of *Joshua A. Diemert v. The City of Seattle*. I submit this Declaration in support of
3 Plaintiff's Opposition to Defendant The City of Seattle's Motion to Exclude Expert Testimony of
4 Dr. Erec Smith and Devon Westhill. As to the following facts, I know them to be true of my own
5 knowledge and based on information and belief. If called as a witness, I would and could
6 competently testify thereto.

7. Attached hereto as Exhibit 1 is a true and correct copy of Plaintiff's Designation
8 of Expert Rebuttal Witnesses pursuant to Federal Rule of Civil Procedure 26(a)(2).

1 3. Attached hereto as **Exhibit 2** is a true and correct copy of Dr. Erec Smith's report
2 and curriculum vitae accompanying Plaintiff's Designation of Expert Rebuttal Witnesses.

3 4. Attached hereto as **Exhibit 3** is a true and correct copy of Devon Westhill's report
4 and curriculum vitae accompanying Plaintiff's Designation of Expert Rebuttal Witnesses.

5 5. Attached hereto as **Exhibit 4** is a true and correct copy of excerpts from the
6 deposition of Plaintiff's disclosed rebuttal expert, Devon Westhill., taken on May 31, 2024.

7 I declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true
8 and correct.

9 DATED: Sept. 6, 2024.

10 _____
11 s/ Erin E. Wilcox
12 ERIN E. WILCOX
13 California Bar # 337427 *
14 PACIFIC LEGAL FOUNDATION
15 555 Capitol Mall, Suite 1290
16 Sacramento, California 95814
17 Telephone: (916) 419-7111
18 Fax: (916) 419-7747
19 EWilcox@pacificlegal.org

20 *Counsel for Plaintiff*
21 * *Pro hac vice*